I.AW OFFICES OF SIMON HARTER, ESQ. Simon Harter (SH-8540) 304 Park Avenue South – 11th Floor New York, New York 10010 (212) 979-0250 – Phone (212) 979-0251 – Fax Attorneys for Plaintiff, Bocimar International N.V.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: ///5/07

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BOCIMAR INTERNATIONAL N.V.,

: 07-cv-9522 (PKC/JCF)

Plaintiff,

-against-

ALEXANDRIA NATIONAL IRON AND : STEEL CO. SAE d/b/a AL EZZ DEKHEILA : STEEL COMPANY – ALEXANDRIA a/k/a : AL EZZ DEKHEILA STEEL :

STIPULATION AND ORDER FOR PARTIAL RELEASE OF ATTACHED FUNDS

Defendant.

WHEREAS, Plaintiff, BOCIMAR INTERNATIONAL NV., has brought this action to confirm and enforce an award rendered in London arbitration dated August 10, 2007; and

WHEREAS, proceeds from an electronic funds transfer being sent from Defendant, AL EZZ DEKHEILA STEEL COMPANY – ALEXANDRIA, in the sum of \$265,862.28 have been restrained by The Bank of New York Mellon pursuant to the Process of Maritime Attachment and Garnishment (PMAG) issued in this matter; and

WHEREAS, said Defendant has subsequently made direct payment of the sum of \$241,629.35, receipt of which is acknowledged by Plaintiff, in partial satisfaction of

Plaintiff's claims hereunder and, thus, a corresponding amount shall be released from attachment and remitted to said Defendant as specified below;

WHEREAS the parties are further agreed that the balance of funds in the amount \$24,232.93 shall remain under attachment pending resolution of the balance of Plaintiff's claims;

## IT IS HEREBY STIPULATED AND AGREED that:

1. The sum of \$241,629.35 shall be transferred by garnishee The Bank of New York Mellon to:

BNP Paribas Egypt SAE Monandessin Branch

Account Name: Al Ezz Dekheila Steel Co. Account Number: 00117-080004-011

SWIFT CODE: BNPAEGCXXXX

- 2. Undersigned counsel for Plaintiff shall provide The Bank of New York Mellon with a copy of the endorsed Stipulation and Order and request the immediate transfer of the aforementioned funds, in correspondence copied to undersigned counsel for Defendant.
- 3. The balance of funds totaling \$24,232.93 shall remain under restraint pending resolution of the balance of Plaintiff's claims.

Dated: November \_\_\_\_, 2007

LAW OFFICES OF SIMON HARTER, ESQ.

Attorneys for Plaintiff

By:

Simon Harter, Esq. (SH-8540) 304 Park Avenue South - 11th Floor New York, NY 10010 (212) 979-0250

**BAKER & McKENZIE LLP** 

Attorneys for Defendant - making a Restricted Appearance pursuant to Rule E(8) of the Supplemental Rules For Certain Admiralty and Maritime Claims

By:

Charles B. Cummings, Esq. (CC - 04 88) 1114 Avenue of the Americas New York, New York 10036 (212) 626-4100

SO ORDERED:

November  $\sum$ , 2007

Hon. P. Kevin Castel, U.S.D.J.